

**EDUCATOR LICENSING MODIFICATIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**Committee Note:**

The Education Interim Committee recommended this bill.

**General Description:**

This bill modifies the public education code regarding educator licensing.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the State Board of Education to implement an educator licensing system;
- ▶ repeals sections of code regarding educator licensing that are obsolete under the new educator licensing system;
- ▶ modifies provisions of existing code sections that are related to the previous educator licensing system, including endorsements and letters of authorization;
- ▶ repeals the requirement that a district superintendent hold a license;
- ▶ modifies provisions related to youth suicide prevention training for employees;
- ▶ repeals the Compact for Interstate Qualification of Educational Personnel; and
- ▶ makes technical corrections and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

- 29 **53E-3-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 30 **53E-6-102**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 31 **53E-6-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 32 **53E-6-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 33 **53E-6-702**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 34 **53E-6-902**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 35 **53E-10-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 36 **53F-2-310**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 37 **53F-2-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 38 **53F-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 39 **53F-5-205**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 40 **53G-4-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 41 **53G-5-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 42 **53G-9-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 43 **53G-11-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 44 **53G-11-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 45 **63G-7-102**, as last amended by Laws of Utah 2017, Chapter 300

46 REPEALS:

- 47 **53A-6-105 (Repealed 07/01/18)**, as last amended by Laws of Utah 2017, Chapter 372
- 48 and repealed by Laws of Utah 2017, Chapter 472
- 49 **53E-6-202 (Superseded 07/01/18)**, as renumbered and amended by Laws of Utah
- 50 2018, Chapter 1
- 51 **53E-6-202 (Effective 07/01/18)**, as renumbered and amended by Laws of Utah 2018,
- 52 Chapter 1
- 53 **53E-6-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 54 **53E-6-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 55 **53E-6-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 56 **53E-6-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 57 **53E-6-903**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 58 **53E-6-1001**, as renumbered and amended by Laws of Utah 2018, Chapter 1

- 59 **53E-6-1002**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 60 **53E-6-1003**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 61 **53E-6-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 62 **53E-6-1005**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 63 **53E-6-1006**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 64 **53E-6-1007**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 65 **53E-6-1008**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 66 **53E-6-1009**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 67 **53E-6-1010**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 68 **53E-6-1011**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 69 **53E-7-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1

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71 *Be it enacted by the Legislature of the state of Utah:*

72 Section 1. Section **53E-3-505** is amended to read:

73 **53E-3-505. Financial and economic literacy education.**

74 (1) As used in this section:

75 (a) "Financial and economic activities" include activities related to the topics listed in  
 76 Subsection (1)(b).

77 (b) "Financial and economic literacy concepts" include concepts related to the  
 78 following topics:

- 79 (i) basic budgeting;
- 80 (ii) saving and financial investments;
- 81 (iii) banking and financial services, including balancing a checkbook or a bank account  
 82 and online banking services;
- 83 (iv) career management, including earning an income;
- 84 (v) rights and responsibilities of renting or buying a home;
- 85 (vi) retirement planning;
- 86 (vii) loans and borrowing money, including interest, credit card debt, predatory  
 87 lending, and payday loans;
- 88 (viii) insurance;
- 89 (ix) federal, state, and local taxes;

- 90 (x) charitable giving;
- 91 (xi) online commerce;
- 92 (xii) identity fraud and theft;
- 93 (xiii) negative financial consequences of gambling;
- 94 (xiv) bankruptcy;
- 95 (xv) free markets and prices;
- 96 (xvi) supply and demand;
- 97 (xvii) monetary and fiscal policy;
- 98 (xviii) effective business plan creation, including using economic analysis in creating a
- 99 plan;
- 100 (xix) scarcity and choices;
- 101 (xx) opportunity cost and tradeoffs;
- 102 (xxi) productivity;
- 103 (xxii) entrepreneurship; and
- 104 (xxiii) economic reasoning.

105 (c) "Financial and economic literacy passport" means a document that tracks mastery  
106 of financial and economic literacy concepts and completion of financial and economic  
107 activities in kindergarten through grade 12.

108 (d) "General financial literacy course" means the course of instruction described in  
109 Section [53E-4-204](#).

110 (2) The State Board of Education shall:

111 (a) in cooperation with interested private and nonprofit entities:

112 (i) develop a financial and economic literacy passport that students may elect to  
113 complete;

114 (ii) develop methods of encouraging parent and educator involvement in completion of  
115 the financial and economic literacy passport; and

116 (iii) develop and implement appropriate recognition and incentives for students who  
117 complete the financial and economic literacy passport, including:

118 (A) a financial and economic literacy endorsement on the student's diploma of  
119 graduation;

120 (B) a specific designation on the student's official transcript; and

- 121 (C) any incentives offered by community partners;
- 122 (b) more fully integrate existing and new financial and economic literacy education  
123 into instruction in kindergarten through grade 12 by:
- 124 (i) coordinating financial and economic literacy instruction with existing instruction in  
125 other areas of the core standards for Utah public schools, such as mathematics and social  
126 studies;
- 127 (ii) using curriculum mapping;
- 128 (iii) creating training materials and staff development programs that:
- 129 (A) highlight areas of potential coordination between financial and economic literacy  
130 education and other core standards for Utah public schools concepts; and
- 131 (B) demonstrate specific examples of financial and economic literacy concepts as a  
132 way of teaching other core standards for Utah public schools concepts; and
- 133 (iv) using appropriate financial and economic literacy assessments to improve financial  
134 and economic literacy education and, if necessary, developing assessments;
- 135 (c) work with interested public, private, and nonprofit entities to:
- 136 (i) identify, and make available to teachers, online resources for financial and  
137 economic literacy education, including modules with interactive activities and turnkey  
138 instructor resources;
- 139 (ii) coordinate school use of existing financial and economic literacy education  
140 resources;
- 141 (iii) develop simple, clear, and consistent messaging to reinforce and link existing  
142 financial literacy resources;
- 143 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial  
144 education providers in implementing methods of appropriately communicating to teachers,  
145 students, and parents key financial and economic literacy messages; and
- 146 (v) encourage parents and students to establish higher education savings, including a  
147 Utah Educational Savings Plan account;
- 148 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
149 make rules to develop guidelines and methods for school districts and charter schools to more  
150 fully integrate financial and economic literacy education into other core standards for Utah  
151 public schools courses;

152 (e) (i) contract with a provider, through a request for proposals process, to develop an  
153 online, end-of-course assessment for the general financial literacy course;

154 (ii) require a school district or charter school to administer an online, end-of-course  
155 assessment to a student who takes the general financial literacy course; and

156 (iii) develop a plan, through the state superintendent of public instruction, to analyze  
157 the results of an online, end-of-course assessment in general financial literacy that includes:

158 (A) an analysis of assessment results by standard; and

159 (B) average scores statewide and by school district and school; and

160 (f) in cooperation with school districts, charter schools, and interested private and  
161 nonprofit entities, provide opportunities for professional development in financial and  
162 economic literacy to teachers, including:

163 (i) a statewide learning community for financial and economic literacy;

164 (ii) summer workshops; and

165 (iii) online videos of experts in the field of financial and economic literacy education[;  
166 ~~and~~].

167 [~~(g) implement a teacher endorsement in general financial literacy that includes course  
168 work in financial planning, credit and investing, consumer economics, personal budgeting, and  
169 family economics.~~]

170 (3) (a) The State Board of Education shall establish a task force to study and make  
171 recommendations to the board on how to improve financial and economic literacy education in  
172 the public school system.

173 (b) The task force membership shall include representatives of:

174 (i) the State Board of Education;

175 (ii) school districts and charter schools;

176 (iii) the State Board of Regents; and

177 (iv) private or public entities that teach financial education and share a commitment to  
178 empower individuals and families to achieve economic stability, opportunity, and upward  
179 mobility.

180 [~~(c) In 2013, the task force shall:~~]

181 [~~(i) review and recommend modifications to the course standards and objectives of the  
182 general financial literacy course described in Section [53E-4-204](#) to ensure the course standards~~]

183 and objectives reflect current and relevant content consistent with the financial and economic  
184 literacy concepts listed in Subsection (1)(b);]

185 [~~(ii) study the development of an online assessment of students' competency in  
186 financial and economic literacy that may be used to:]~~

187 [~~(A) measure student learning growth and proficiency in financial and economic  
188 literacy; and]~~

189 [~~(B) assess the effectiveness of instruction in financial and economic literacy;]~~

190 [~~(iii) consider the development of a rigorous, online only, course to fulfill the general  
191 financial literacy curriculum and graduation requirements specified in Section 53E-4-204;]~~

192 [~~(iv) identify opportunities for teaching financial and economic literacy through an  
193 integrated school curriculum and in the regular course of school work;]~~

194 [~~(v) study and make recommendations for educator license endorsements for teachers  
195 of financial and economic literacy;]~~

196 [~~(vi) identify efficient and cost-effective methods of delivering professional  
197 development in financial and economic literacy content and instructional methods; and]~~

198 [~~(vii) study how financial and economic literacy education may be enhanced through  
199 community partnerships.]~~

200 [~~(d)~~] (c) The task force shall reconvene every three years to review and recommend  
201 adjustments to the standards and objectives of the general financial literacy course.

202 [~~(e) The State Board of Education shall make a report to the Education Interim  
203 Committee no later than the committee's November 2013 meeting summarizing the findings  
204 and recommendations of the task force and actions taken by the board in response to the task  
205 force's findings and recommendations.]~~

206 Section 2. Section **53E-6-102** is amended to read:

207 **53E-6-102. Definitions.**

208 As used in this chapter:

209 [(1) "Accredited institution" means an institution meeting the requirements of Section  
210 53E-6-302.]

211 [(2) (a) "Alternative preparation program" means preparation for licensure in  
212 accordance with applicable law and rule through other than an approved preparation program.]

213 [(b) "Alternative preparation program" includes the competency-based licensing

214 program described in Section ~~53E-6-306~~.]

215 [~~(3) "Ancillary requirement" means a requirement established by law or rule in addition~~  
216 ~~to completion of an approved preparation program or alternative education program or~~  
217 ~~establishment of eligibility under the NASDTEC Interstate Contract, and may include any of~~  
218 ~~the following:~~]

219 [~~(a) minimum grade point average;~~]

220 [~~(b) standardized testing or assessment;~~]

221 [~~(c) mentoring;~~]

222 [~~(d) recency of professional preparation or experience;~~]

223 [~~(e) graduation from an accredited institution; or~~]

224 [~~(f) evidence relating to moral, ethical, physical, or mental fitness.~~]

225 [~~(4) "Approved preparation program" means a program for preparation of educational~~  
226 ~~personnel offered through an accredited institution in Utah or in a state which is a party to a~~  
227 ~~contract with Utah under the NASDTEC Interstate Contract and which, at the time the program~~  
228 ~~was completed by the applicant:~~]

229 [~~(a) was approved by the governmental agency responsible for licensure of educators in~~  
230 ~~the state in which the program was provided;~~]

231 [~~(b) satisfied requirements for licensure in the state in which the program was~~  
232 ~~provided;~~]

233 [~~(c) required completion of a baccalaureate; and~~]

234 [~~(d) included a supervised field experience.~~]

235 [~~(5) "Board" means the State Board of Education.~~]

236 (1) "Board" means the State Board of Education.

237 [~~(6) (2) "Certificate" means a license issued by a governmental jurisdiction outside the~~  
238 ~~state.~~]

239 [~~(7) "Core academic subjects" means English, reading or language arts, mathematics,~~  
240 ~~science, foreign languages, civics and government, economics, arts, history, and geography.]~~

241 [~~(8) (3) "Educator" means:~~

242 (a) a person who holds a license;

243 (b) a teacher, counselor, administrator, librarian, or other person required, under rules  
244 of the board, to hold a license; or



245 (c) a person who is the subject of an allegation which has been received by the board or  
246 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a  
247 position requiring licensure.

248 ~~[(9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas  
249 of practice to which the license applies.]~~

250 ~~[(b) An endorsement shall be issued upon completion of a competency-based teacher  
251 preparation program from a regionally accredited university that meets state content standards.]~~

252 ~~[(10) "License" means an authorization issued by the board which permits the holder to  
253 serve in a professional capacity in the public schools. The five levels of licensure are:]~~

254 ~~[(a) "letter of authorization," which is:]~~

255 ~~[(i) a temporary license issued to a person who has not completed requirements for a  
256 competency-based, or level 1, 2, or 3 license, such as:]~~

257 ~~[(A) a student teacher; or]~~

258 ~~[(B) a person participating in an alternative preparation program; or]~~

259 ~~[(ii) a license issued, pursuant to board rules, to a person who has achieved eminence,  
260 or has outstanding qualifications, in a field taught in public schools;]~~

261 ~~[(b) "competency-based license" which is issued to a teacher based on the teacher's  
262 demonstrated teaching skills and abilities;]~~

263 ~~[(c) "level 1 license," which is a license issued upon completion of:]~~

264 ~~[(i) a competency-based teacher preparation program from a regionally accredited  
265 university; or]~~

266 ~~[(ii) an approved preparation program or an alternative preparation program, or  
267 pursuant to an agreement under the NASDTEC Interstate Contract, to candidates who have  
268 also met all ancillary requirements established by law or rule;]~~

269 ~~[(d) "level 2 license," which is a license issued after satisfaction of all requirements for  
270 a level 1 license as well as any additional requirements established by law or rule relating to  
271 professional preparation or experience; and]~~

272 ~~[(e) "level 3 license," which is a license issued to an educator who holds a current Utah  
273 level 2 license and has also received, in the educator's field of practice, National Board  
274 certification or a doctorate from an accredited institution.]~~

275 ~~[(11) "NASDTEC" means the National Association of State Directors of Teacher~~

276 ~~Education and Certification.]~~

277 ~~[(12) "NASDTEC Interstate Contract" means the contract implementing Part 10,~~  
278 ~~Compact for Interstate Qualification of Educational Personnel, which is administered through~~  
279 ~~NASDTEC.]~~

280 (4) "License" means an authorization issued by the board that permits the holder to  
281 serve in a professional capacity in the public schools.

282 ~~[(13)]~~ (5) "National Board certification" means a current certificate issued by the  
283 National Board for Professional Teaching Standards.

284 ~~[(14)]~~ (6) "Rule" means an administrative rule adopted by the board under Title 63G,  
285 Chapter 3, Utah Administrative Rulemaking Act.

286 ~~[(15)]~~ (7) "School" means a public or private entity ~~[which]~~ that provides educational  
287 services to a minor child.

288 ~~[(16)]~~ (8) "UPPAC" means the Utah Professional Practices Advisory Commission.  
289 Section 3. Section 53E-6-201 is amended to read:

290 **53E-6-201. Board licensure.**

291 ~~[(1)(a) The board may issue licenses for educators.]~~

292 ~~[(b) A person employed in a position that requires licensure by the board shall hold the~~  
293 ~~appropriate license.]~~

294 (1) To be fully implemented by July 1, 2019, the board shall establish in rule a system  
295 for educator licensing that includes:

296 (a) an associate educator license that permits an individual to provide educational  
297 services in a public school while working to meet the requirements of a professional educator  
298 license;

299 (b) a professional educator license that permits an individual to provide educational  
300 services in a public school after demonstrating that the individual meets licensure requirements  
301 established in board rule; and

302 (c) an LEA-specific educator license issued by the board at the request of an LEA's  
303 governing body that is valid for an individual to provide educational services in the requesting  
304 LEA's schools.

305 (2) An individual employed in a position that requires licensure by the board shall hold  
306 the license that is appropriate to the position.

307           ~~[(2)]~~ (3) (a) The board may by rule rank, endorse, or otherwise classify licenses and  
 308 establish the criteria for obtaining ~~[and]~~, retaining, and reinstating licenses.

309           ~~[(b) (i)]~~ The board shall make rules requiring participation in professional development  
 310 activities or compliance with a school district professional development plan as provided in  
 311 ~~Subsection (4) in order for educators to retain their licenses.]~~

312           ~~[(ii)]~~ (b) An educator who is enrolling in a course of study at an institution within the  
 313 state system of higher education to satisfy the ~~[professional development requirements of~~  
 314 ~~Subsection (2)(b)(i)]~~ board requirements for retaining a license is exempt from tuition, except  
 315 for a semester registration fee established by the State Board of Regents, if:

316           ~~[(A)]~~ (i) the educator is enrolled on the basis of surplus space in the class after  
 317 regularly enrolled students have been assigned and admitted to the class in accordance with  
 318 regular procedures, normal teaching loads, and the institution's approved budget; and

319           ~~[(B)]~~ (ii) enrollments are determined by each institution under rules and guidelines  
 320 established by the State Board of Regents in accordance with findings of fact that space is  
 321 available for the educator's enrollment.

322           ~~[(3) Except as provided in Subsection (4), unless suspended or revoked by the board,~~  
 323 ~~or surrendered by the educator:]~~

324           ~~[(a) a letter of authorization is valid for one year, or a shorter period as specified by the~~  
 325 ~~board, subject to renewal by the board in accordance with board rules;]~~

326           ~~[(b) a competency-based license remains valid;]~~

327           ~~[(c) a level 1 license is valid for three years, subject to renewal by the board in~~  
 328 ~~accordance with board rules;]~~

329           ~~[(d) a level 2 license is valid for five years, subject to renewal by the board in~~  
 330 ~~accordance with board rules; and]~~

331           ~~[(e) a level 3 license is valid for seven years, subject to renewal by the board in~~  
 332 ~~accordance with board rules.]~~

333           ~~[(4) Unless suspended or revoked by the board, or surrendered by the educator, a level~~  
 334 ~~1, level 2, level 3, or competency-based license shall remain valid if:]~~

335           ~~[(a) the license holder is employed by a school district that has a comprehensive~~  
 336 ~~program to maintain and improve educators' skills in which performance standards, educator~~  
 337 ~~evaluation, and professional development are integrated; and]~~

338 ~~[(b) the license holder complies with school or school district professional~~  
339 ~~development requirements.]~~

340 Section 4. Section **53E-6-302** is amended to read:

341 **53E-6-302. Teacher preparation programs.**

342 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
343 board shall make rules that establish standards for approval of a preparation program [~~or an~~  
344 ~~alternative preparation program~~].

345 (2) The board shall ensure that standards adopted under Subsection (1) meet or exceed  
346 generally recognized national standards for preparation of educators[~~, such as those developed~~  
347 ~~by the:~~].

348 [~~(a) Interstate New Teacher Assessment and Support Consortium;~~]

349 [~~(b) National Board for Professional Teaching Standards; or~~]

350 [~~(c) Council for the Accreditation of Educator Preparation.~~]

351 (3) The board shall designate an employee of the board's staff to:

352 (a) work with education deans of state institutions of higher education to coordinate  
353 on-site monitoring of teacher preparation programs that may include:

- 354 (i) monitoring courses for teacher preparation programs;
- 355 (ii) working with course instructors for teacher preparation programs; and
- 356 (iii) interviewing students admitted to teacher preparation programs;

357 (b) act as a liaison between:

- 358 (i) the board;
- 359 (ii) local school boards or charter school governing boards; and
- 360 (iii) representatives of teacher preparation programs; and

361 (c) report the employee's findings and recommendations for the improvement of  
362 teacher preparation programs to:

- 363 (i) the board; and
- 364 (ii) education deans of state institutions of higher education.

365 (4) The board shall:

366 (a) in good faith, consider the findings and recommendations described in Subsection  
367 (3)(c); and

368 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

369 make rules, as the board determines is necessary, to implement recommendations described in  
370 Subsection (3)(c).

371 Section 5. Section **53E-6-702** is amended to read:

372 **53E-6-702. Reimbursement of legal fees and costs to educators.**

373 (1) As used in this section:

374 (a) "Action" means any action, except those referred to in Section [52-6-201](#), brought  
375 against an educator by an individual or entity other than:

376 (i) the entity who licenses the educator; and

377 (ii) the ~~[school district]~~ LEA that employs the educator or employed the educator at the  
378 time of the alleged act or omission.

379 (b) "Educator" means an individual who holds or is required to hold a license ~~[under~~  
380 ~~this chapter]~~ as defined by the board and is employed by ~~[a school district]~~ an LEA located  
381 within the state.

382 (c) ~~["School district" includes the]~~ "LEA" means a school district, charter school, or the  
383 Utah Schools for the Deaf and the Blind [and the state's applied technology centers].

384 (2) Except as otherwise provided in Section [52-6-201](#), an educator is entitled to recover  
385 reasonable attorneys' fees and costs incurred in the educator's defense against an individual or  
386 entity who initiates an action against the educator if:

387 (a) the action is brought for any act or omission of the educator during the performance  
388 of the educator's duties within the scope of the educator's employment; and

389 (b) it is dismissed or results in findings favorable to the educator.

390 (3) An educator who recovers under this section is also entitled to recover reasonable  
391 attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees  
392 and costs allowed under Subsection (2).

393 Section 6. Section **53E-6-902** is amended to read:

394 **53E-6-902. Teacher leaders.**

395 (1) As used in this section, "teacher" means an educator who has an assignment to  
396 teach in a classroom.

397 (2) There is created the role of a teacher leader to:

398 (a) work with a student teacher and a teacher who supervises a student teacher;

399 (b) assist with the training of a recently hired teacher; and

400 (c) support school-based professional learning.

401 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
402 board~~[(a)]~~ shall make rules that:

403 ~~[(i)]~~ (a) define the role of a teacher leader, including the functions described in

404 Subsection (2); and

405 ~~[(ii)]~~ (b) establish the minimum criteria for a teacher to qualify as a teacher leader~~;~~

406 ~~and].~~

407 ~~[(b) may make rules that create an endorsement for a teacher leader.]~~

408 ~~[(4) A school district or charter school may assign a teacher to a teacher leader position~~  
409 ~~without a teacher leader endorsement.]~~

410 ~~[(5)(a)]~~ (4) The board shall solicit recommendations from school districts and  
411 educators regarding:

412 ~~[(i)]~~ (a) appropriate resources to provide a teacher leader; and

413 ~~[(ii)]~~ (b) appropriate ways to compensate a teacher leader.

414 ~~[(b) The board shall report the board's findings and recommendations described in~~

415 ~~Subsection (5)(4)(a) to the Education Interim Committee on or before the committee's~~

416 ~~November 2016 interim meeting.]~~

417 Section 7. Section **53E-10-301** is amended to read:

418 **53E-10-301. Definitions.**

419 (1) "Concurrent enrollment" means enrollment in a course offered through the  
420 concurrent enrollment program described in Section [53E-10-302](#).

421 (2) "Educator" means the same as that term is defined in Section [53E-6-102](#).

422 (3) "Eligible instructor" means an instructor who is:

423 (a) employed as faculty by an institution of higher education; or

424 (b) (i) employed by an LEA;

425 (ii) licensed by the State Board of Education under Chapter 6, Education Professional  
426 Licensure;

427 (iii) (A) approved as adjunct faculty by an institution of higher education; or

428 (B) a mathematics educator who has an upper level mathematics [~~endorsement]~~

429 credential issued by the State Board of Education; and

430 (iv) supervised by an institution of higher education.

- 431 (4) "Eligible student" means a student who:  
432 (a) is enrolled in, and counted in average daily membership in, a high school within the  
433 state;  
434 (b) has a plan for college and career readiness, as described in Section 53E-2-304, on  
435 file at a high school within the state; and  
436 (c) (i) is a grade 11 or grade 12 student; or  
437 (ii) is a grade 9 or grade 10 student who qualifies by exception as described in Section  
438 53E-10-302.
- 439 ~~[(5) "Endorsement" means a stipulation, authorized by the State Board of Education~~  
440 ~~and appended to a license, that specifies an area of practice to which the license applies.]~~
- 441 ~~[(6)]~~ (5) "Institution of higher education" means the same as that term is defined in  
442 Section 53B-3-102.
- 443 ~~[(7)]~~ (6) "License" means the same as that term is defined in Section 53E-6-102.
- 444 ~~[(8)]~~ (7) "Local education agency" or "LEA" means a school district or charter school.
- 445 ~~[(9)]~~ (8) "Participating eligible student" means an eligible student enrolled in a  
446 concurrent enrollment course.
- 447 ~~[(10)]~~ "Upper level mathematics endorsement" means an endorsement required by the  
448 State Board of Education for an educator to teach calculus.]
- 449 ~~[(11)]~~ (9) "Value of the weighted pupil unit" means the same as that term is defined in  
450 Section 53F-4-301.
- 451 Section 8. Section 53F-2-310 is amended to read:  
452 **53F-2-310. Stipends for special educators for additional days of work.**
- 453 (1) As used in this section:  
454 (a) "IEP" means an individualized education program developed pursuant to the  
455 Individuals with Disabilities Education Improvement Act of 2004, as amended.  
456 (b) "Special education teacher" means a teacher whose primary assignment is the  
457 instruction of students with disabilities who are eligible for special education services.  
458 (c) "Special educator" means a person employed by a school district, charter school, or  
459 the Utah Schools for the Deaf and the Blind who holds:  
460 (i) a license issued ~~[under Title 53E, Chapter 6, Education Professional Licensure]~~ by  
461 the State Board of Education; and

- 462 (ii) a position as a:
- 463 (A) special education teacher; or
- 464 (B) speech-language pathologist.
- 465 (2) The Legislature shall annually appropriate money for stipends to special educators
- 466 for additional days of work:
- 467 (a) in recognition of the added duties and responsibilities assumed by special educators
- 468 to comply with federal law regulating the education of students with disabilities and the need to
- 469 attract and retain qualified special educators; and
- 470 (b) subject to future budget constraints.
- 471 (3) (a) The State Board of Education shall distribute money appropriated under this
- 472 section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for
- 473 stipends for special educators in the amount of \$200 per day for up to 10 additional working
- 474 days.
- 475 (b) Money distributed under this section shall include, in addition to the \$200 per day
- 476 stipend, money for the following employer-paid benefits:
- 477 (i) retirement;
- 478 (ii) workers' compensation;
- 479 (iii) Social Security; and
- 480 (iv) Medicare.
- 481 (4) A special educator receiving a stipend shall:
- 482 (a) work an additional day beyond the number of days contracted with the special
- 483 educator's school district or school for each daily stipend;
- 484 (b) schedule the additional days of work before or after the school year; and
- 485 (c) use the additional days of work to perform duties related to the IEP process,
- 486 including:
- 487 (i) administering student assessments;
- 488 (ii) conducting IEP meetings;
- 489 (iii) writing IEPs;
- 490 (iv) conferring with parents; and
- 491 (v) maintaining records and preparing reports.
- 492 (5) A special educator may:



493 (a) elect to receive a stipend for one to 10 days of additional work; or

494 (b) elect to not receive a stipend.

495 (6) A person who does not hold a full-time position as a special educator is eligible for  
496 a partial stipend equal to the percentage of a full-time special educator position the person  
497 assumes.

498 Section 9. Section **53F-2-405** is amended to read:

499 **53F-2-405. Educator salary adjustments.**

500 (1) As used in this section, "educator" means a person employed by a school district,  
501 charter school, or the Utah Schools for the Deaf and the Blind who holds:

502 (a) a license issued [~~under Title 53E, Chapter 6, Education Professional Licensure;~~  
503 ~~and~~] by:

504 (i) the State Board of Education; or

505 (ii) the Division of Occupational and Professional Licensing; and

506 (b) a position as a:

507 (i) classroom teacher;

508 (ii) speech pathologist;

509 (iii) librarian or media specialist;

510 (iv) preschool teacher;

511 (v) mentor teacher;

512 (vi) teacher specialist or teacher leader;

513 (vii) guidance counselor;

514 (viii) audiologist;

515 (ix) psychologist; or

516 (x) social worker.

517 (2) In recognition of the need to attract and retain highly skilled and dedicated  
518 educators, the Legislature shall annually appropriate money for educator salary adjustments,  
519 subject to future budget constraints.

520 (3) Money appropriated to the State Board of Education for educator salary  
521 adjustments shall be distributed to school districts, charter schools, and the Utah Schools for  
522 the Deaf and the Blind in proportion to the number of full-time-equivalent educator positions  
523 in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as

524 compared to the total number of full-time-equivalent educator positions in school districts,  
525 charter schools, and the Utah Schools for the Deaf and the Blind.

526 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind  
527 shall award bonuses to educators as follows:

528 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent  
529 educator position in the school district, charter school, or the Utah Schools for the Deaf and the  
530 Blind;

531 (b) an individual who is not a full-time educator shall receive a partial salary adjustment  
532 based on the number of hours the individual works as an educator; and

533 (c) a salary adjustment may be awarded only to an educator who has received a  
534 satisfactory rating or above on the educator's most recent evaluation.

535 (5) The State Board of Education may make rules as necessary to administer this  
536 section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

537 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient  
538 money each year to:

539 (i) maintain educator salary adjustments provided in prior years; and

540 (ii) provide educator salary adjustments to new employees.

541 (b) Money appropriated for educator salary adjustments shall include money for the  
542 following employer-paid benefits:

543 (i) retirement;

544 (ii) worker's compensation;

545 (iii) social security; and

546 (iv) Medicare.

547 (7) (a) Subject to future budget constraints, the Legislature shall:

548 (i) maintain the salary adjustments provided to school administrators in the 2007-08  
549 school year; and

550 (ii) provide salary adjustments for new school administrators in the same amount as  
551 provided for existing school administrators.

552 (b) The appropriation provided for educator salary adjustments shall include salary  
553 adjustments for school administrators as specified in Subsection (7)(a).

554 (c) In distributing and awarding salary adjustments for school administrators, the State

555 Board of Education, a school district, a charter school, or the Utah Schools for the Deaf and the  
556 Blind shall comply with the requirements for the distribution and award of educator salary  
557 adjustments as provided in Subsections (3) and (4).

558 Section 10. Section **53F-5-203** is amended to read:

559 **53F-5-203. Interventions for Reading Difficulties Pilot Program.**

560 (1) As used in this section:

561 (a) "Board" means the State Board of Education.

562 (b) "Dyslexia" means a specific learning disability that is neurological in origin and  
563 characterized by difficulties with accurate or fluent word recognition and by poor spelling and  
564 decoding abilities that typically result from a deficit in the phonological component of language  
565 that is often unexpected in relation to other cognitive abilities and the provision of effective  
566 classroom instruction.

567 [~~(c)~~ "Endorsement" means the same as that term is defined in Section ~~53E-6-102.~~]

568 [~~(d)~~ (c) "Local education agency" or "LEA" means:

569 (i) a school district;

570 (ii) a charter school; or

571 (iii) the Utah Schools for the Deaf and the Blind.

572 [~~(e)~~ (d) "Multi-Tier System of Supports" or "MTSS" means a framework integrating  
573 assessment and intervention that:

574 (i) provides increasingly intensive interventions for students at risk for or experiencing  
575 reading difficulties, including:

576 (A) tier II interventions that, in addition to standard classroom reading, provide  
577 supplemental and targeted small group instruction in reading using evidence-based curricula;  
578 and

579 (B) tier III interventions that address the specific needs of students who are the most at  
580 risk or who have not responded to tier II interventions by providing frequent, intensive, and  
581 targeted small group instruction using evidence-based curricula; and

582 (ii) is developed to:

583 (A) maximize student achievement;

584 (B) reduce behavior problems; and

585 (C) increase long-term success.

586           ~~[(f)]~~ (e) "Program" means the Interventions for Reading Difficulties Pilot Program.

587           ~~[(g)]~~ (f) "Reading difficulty" means an impairment, including dyslexia, that negatively  
588 affects a student's ability to learn to read.

589           (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

590           (a) specific evidence-based literacy interventions using an MTSS for students in  
591 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including  
592 dyslexia; and

593           (b) professional development to educators who provide the literacy interventions  
594 described in Subsection (2)(a).

595           (3) (a) An LEA may submit a proposal to the board to participate in the program.

596           (b) An LEA proposal described in Subsection (3)(a) shall:

597           (i) specify:

598           (A) a range of current benchmark assessment in reading scores described in Section  
599 [53E-4-307](#) that the LEA will use to determine whether a student is at risk for a reading  
600 difficulty; and

601           (B) other reading difficulty risk factors that the LEA will use to determine whether a  
602 student is at risk for a reading difficulty;

603           (ii) describe the LEA's existing reading program;

604           (iii) describe the LEA's MTSS approach; and

605           (iv) include any other information requested by the board.

606           (c) The board may:

607           (i) specify the format for an LEA proposal; and

608           (ii) set a deadline for an LEA to submit a proposal.

609           (4) The board shall:

610           (a) define criteria for selecting an LEA to participate in the program;

611           (b) during fiscal year 2016, select five LEAs to participate in the program:

612           (i) on a competitive basis; and

613           (ii) using criteria described in Subsection (4)(a); and

614           (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per  
615 school within the LEA.

616           (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select

617 additional LEAs to participate in the program.

618 (6) An LEA that participates in the program:

619 (a) shall, beginning with the 2016-17 school year, provide the interventions described  
620 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;  
621 and

622 (b) may provide the professional development described in Subsections (8)(a) and (b)  
623 beginning in fiscal year 2016.

624 (7) An LEA that participates in the program shall:

625 (a) select at least one school in the LEA to participate in the program;

626 (b) identify students in kindergarten through grade 5 for participation in the program

627 by:

628 (i) using current benchmark assessment in reading scores as described in Section  
629 [53E-4-307](#); and

630 (ii) considering other reading difficulty risk factors identified by the LEA;

631 (c) provide interventions for each student participating in the program using an MTSS  
632 implemented by an educator trained in evidence-based interventions;

633 (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading  
634 achievement plan described in Section [53E-4-306](#) for each school in the LEA that participates  
635 in the program; and

636 (e) report annually to the board on:

637 (i) individual student outcomes in changes in reading ability;

638 (ii) school level outcomes; and

639 (iii) any other information requested by the board.

640 (8) Subject to funding for the program, an LEA may use the funds described in  
641 Subsection (4)(c) for the following purposes:

642 (a) to provide for ongoing professional development in evidence-based literacy  
643 interventions;

644 (b) to support educators in earning a reading interventionist [~~endorsement~~] credential  
645 that prepares teachers to provide a student who is at risk for or experiencing reading difficulty,  
646 including dyslexia, with reading intervention that is:

647 (i) explicit;

- 648 (ii) systematic; and
- 649 (iii) targeted to a student's specific reading difficulty; and
- 650 (c) to implement the program.
- 651 (9) The board shall contract with an independent evaluator to evaluate the program on:
- 652 (a) whether the program improves reading outcomes for a student who receives the
- 653 interventions described in Subsection (7)(c);
- 654 (b) whether the program may reduce future special education costs; and
- 655 (c) any other student or school achievement outcomes requested by the board.
- 656 (10) (a) The board shall make a final report on the program to the Education Interim
- 657 Committee on or before November 1, 2018.

- 658 (b) In the final report described in Subsection (10)(a), the board shall include the
- 659 results of the evaluation described in Subsection (9).

660 Section 11. Section **53F-5-205** is amended to read:

661 **53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math**  
662 **teacher training programs.**

- 663 (1) (a) The terms defined in Section **53E-6-102** apply to this section.
- 664 (b) As used in this section, "paraeducator" means a school employee who:
  - 665 (i) delivers instruction under the direct supervision of a teacher; and
  - 666 (ii) works in an area where there is a shortage of qualified teachers, such as special
  - 667 education, Title I, ESL, reading remediation, math, or science.
- 668 (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships
- 669 to paraeducators for education and training to become licensed teachers.
- 670 (3) The State Board of Education shall use money appropriated for the Paraeducator to
- 671 Teacher Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed
- 672 by school districts and charter schools who are pursuing an associate's degree or bachelor's
- 673 degree program to become a licensed teacher.
- 674 (4) A paraeducator is eligible to receive a scholarship if:
  - 675 (a) the paraeducator is employed by a school district or charter school;
  - 676 (b) is admitted to, or has made an application to, an associate's degree program or
  - 677 bachelor's degree program that will prepare the paraeducator for teacher licensure; and
  - 678 (c) the principal at the school where the paraeducator is employed has nominated the

679 paraeducator for a scholarship.

680 (5) (a) The State Board of Education shall establish a committee to select scholarship  
681 recipients from nominations submitted by school principals.

682 (b) The committee shall include representatives of the State Board of Education, State  
683 Board of Regents, and the general public, excluding school district and charter school  
684 employees.

685 (c) A member may not receive compensation or benefits for the member's service, but  
686 may receive per diem and travel expenses in accordance with:

687 (i) Section 63A-3-106;

688 (ii) Section 63A-3-107; and

689 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
690 63A-3-107.

691 (d) The committee shall select scholarship recipients based on the following criteria:

692 (i) test scores, grades, or other evidence demonstrating the applicant's ability to  
693 successfully complete a teacher education program; and

694 (ii) the applicant's record of success as a paraeducator.

695 (6) The maximum scholarship amount is \$5,000.

696 (7) Scholarship money may only be used to pay for tuition costs:

697 (a) of:

698 (i) an associate's degree program that fulfills credit requirements for the first two years  
699 of a bachelor's degree program leading to teacher licensure; or

700 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and

701 (b) at a higher education institution:

702 (i) located in Utah; and

703 (ii) accredited by the Northwest Commission on Colleges and Universities.

704 (8) A scholarship recipient must be continuously employed as a paraeducator by a  
705 school district or charter school while pursuing a degree using scholarship money.

706 (9) The State Board of Education shall make rules in accordance with this section and  
707 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to  
708 Teacher Scholarship Program, including rules establishing:

709 (a) scholarship application procedures;

710 (b) the number of, and qualifications for, committee members who select scholarship  
711 recipients; and

712 (c) procedures for distributing scholarship money.

713 (10) If the state obtains matching funds of equal sums from private contributors, the  
714 board may award grants to institutions of higher education or nonprofit educational  
715 organizations for programs that provide:

716 (a) mentoring and training leading to a secondary education license with [~~an~~  
717 ~~endorsement~~] a certificate in mathematics for an individual who:

718 (i) is not a teacher in a public or private school;

719 (ii) does not have a teaching license;

720 (iii) has a bachelor's degree or higher; and

721 (iv) demonstrates a high level of mathematics competency by:

722 (A) successfully completing substantial course work in mathematics; and

723 (B) passing a mathematics content exam; or

724 (b) a stipend, professional development, and leadership opportunities to an experienced  
725 mathematics teacher who demonstrates high content knowledge and exemplary teaching and  
726 leadership skills to assist the teacher in becoming a teacher leader.

727 (11) (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah  
728 Administrative Rulemaking Act, that establish criteria for awarding grants under this section.

729 (b) In awarding grants, the board shall consider the amount or percent of matching  
730 funds provided by the grant recipient.

731 Section 12. Section **53G-4-301** is amended to read:

732 **53G-4-301. Superintendent of schools -- Appointment -- Qualifications-- Term --**  
733 **Compensation.**

734 (1) Subject to Subsection [~~(8)~~] (7), a local school board shall appoint a district  
735 superintendent of schools who serves as the local school board's chief executive officer.

736 (2) A local school board shall appoint the superintendent on the basis of outstanding  
737 professional qualifications.

738 (3) (a) A superintendent's term of office is for two years and until, subject to  
739 Subsection [~~(8)~~] (7), a successor is appointed and qualified.

740 (b) A local school board that appoints a superintendent in accordance with this section



741 may not, on or after May 10, 2011, enter into an employment contract that contains an  
742 automatic renewal provision with the superintendent.

743 (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection  
744 ~~[(8)]~~ (7), if it becomes necessary to appoint an interim superintendent due to a vacancy in the  
745 office of superintendent, the local school board shall make an appointment during a public  
746 meeting for an indefinite term not to exceed one year, which term shall end upon the  
747 appointment and qualification of a new superintendent.

748 ~~[(5)(a) The superintendent shall hold an administrative/supervisory license issued by  
749 the State Board of Education, except as otherwise provided in Subsection (5)(b).]~~

750 ~~[(b) At the request of a local school board, the State Board of Education shall grant a  
751 letter of authorization permitting a person with outstanding professional qualifications to serve  
752 as superintendent without holding an administrative/supervisory license.]~~

753 ~~[(6)]~~ (5) A local school board shall set the superintendent's compensation for services.

754 ~~[(7)]~~ (6) A superintendent qualifies for office by taking the constitutional oath of  
755 office.

756 ~~[(8)]~~ (7) (a) As used in this Subsection ~~[(8)]~~ (7), "interim vacancy period" means the  
757 period of time that:

758 (i) begins on the day on which a general election described in Section 20A-1-202 is  
759 held to elect a member of a local school board; and

760 (ii) ends on the day on which the member-elect begins the member's term.

761 (b) (i) The local school board may not appoint a superintendent during an interim  
762 vacancy period.

763 (ii) Notwithstanding Subsection ~~[(8)]~~ (7)(b)(i):

764 (A) the local school board may appoint an interim superintendent during an interim  
765 vacancy period; and

766 (B) the interim superintendent's term shall expire once a new superintendent is  
767 appointed by the new local school board after the interim vacancy period has ended.

768 (c) Subsection ~~[(8)]~~ (7)(b) does not apply if all the local school board members who  
769 held office on the day of the general election whose term of office was vacant for the election  
770 are re-elected to the local school board for the following term.

771 Section 13. Section 53G-5-407 is amended to read:

772 **53G-5-407. Employees of charter schools.**

773 (1) A charter school shall select its own employees.

774 (2) The school's governing board shall determine the level of compensation and all  
775 terms and conditions of employment, except as otherwise provided in Subsections (7) and (8)  
776 and under this chapter and other related provisions.

777 (3) The following statutes governing public employees and officers do not apply to a  
778 charter school:

779 (a) Chapter 11, Part 5, School District and USDB Employee Requirements; and

780 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

781 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter  
782 school, under rules adopted by the State Board of Education, shall employ teachers who~~[(+)]~~  
783 are licensed~~[; or]~~.

784 ~~[(ii) on the basis of demonstrated competency, would qualify to teach under alternative~~  
785 ~~certification or authorization programs.]~~

786 (b) The school's governing board shall disclose the qualifications of its teachers to the  
787 parents of its students.

788 (5) State Board of Education rules governing the licensing or certification of  
789 administrative and supervisory personnel do not apply to charter schools.

790 (6) (a) An employee of a school district may request a leave of absence in order to  
791 work in a charter school upon approval of the local school board.

792 (b) While on leave, the employee may retain seniority accrued in the school district and  
793 may continue to be covered by the benefit program of the district if the charter school and the  
794 locally elected school board mutually agree.

795 (7) (a) A proposed or authorized charter school may elect to participate as an employer  
796 for retirement programs under:

797 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

798 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

799 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

800 (b) An election under this Subsection (7):

801 (i) shall be documented by a resolution adopted by the governing board of the charter  
802 school; and

803 (ii) applies to the charter school as the employer and to all employees of the charter  
804 school.

805 (c) The governing board of a charter school may offer employee benefit plans for its  
806 employees:

807 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;  
808 or

809 (ii) under any other program.

810 (8) A charter school may not revoke an election to participate made under Subsection  
811 (7).

812 (9) The governing board of a charter school shall ensure that, prior to the beginning of  
813 each school year, each of its employees signs a document acknowledging that the employee:

814 (a) has received:

815 (i) the disclosure required under Section 63A-4-204.5 if the charter school participates  
816 in the Risk Management Fund; or

817 (ii) written disclosure similar to the disclosure required under Section 63A-4-204.5 if  
818 the charter school does not participate in the Risk Management Fund; and

819 (b) understands the legal liability protection provided to the employee and what is not  
820 covered, as explained in the disclosure.

821 Section 14. Section 53G-9-704 is amended to read:

822 **53G-9-704. Youth suicide prevention training for employees.**

823 (1) A school district or charter school shall require a licensed employee to complete a  
824 minimum of two hours of professional development training on youth suicide prevention  
825 [within the employee's license cycle described in Section 53E-6-201] every three years.

826 (2) The board shall:

827 (a) develop or adopt sample materials to be used by a school district or charter school  
828 for professional development training on youth suicide prevention; and

829 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
830 Rulemaking Act, incorporate the training described in Subsection (1) into professional  
831 development training described in Section 53E-6-201.

832 Section 15. Section 53G-11-501 is amended to read:

833 **53G-11-501. Definitions.**

834 As used in this part:

835 (1) "Administrator" means an individual who~~[:]~~ supervises educators and holds an  
836 appropriate license issued by the State Board of Education.

837 [~~(a) serves in a position that requires;~~]

838 [~~(i) an educator license with an administrative area of concentration; or]~~

839 [~~(ii) a letter of authorization described in Section 53G-4-301 or 53E-6-304; and]~~

840 [~~(b) supervises school administrators or teachers.]~~

841 (2) "Career educator" means a licensed employee who has a reasonable expectation of  
842 continued employment under the policies of a local school board.

843 (3) "Career employee" means an employee of a school district who has obtained a  
844 reasonable expectation of continued employment based upon Section 53G-11-503 and an  
845 agreement with the employee or the employee's association, district practice, or policy.

846 (4) "Contract term" or "term of employment" means the period of time during which an  
847 employee is engaged by the school district under a contract of employment, whether oral or  
848 written.

849 (5) "Dismissal" or "termination" means:

850 (a) termination of the status of employment of an employee;

851 (b) failure to renew or continue the employment contract of a career employee beyond  
852 the then-current school year;

853 (c) reduction in salary of an employee not generally applied to all employees of the  
854 same category employed by the school district during the employee's contract term; or

855 (d) change of assignment of an employee with an accompanying reduction in pay,  
856 unless the assignment change and salary reduction are agreed to in writing.

857 (6) "Educator" means an individual employed by a school district who is required to  
858 hold a professional license issued by the State Board of Education, except:

859 (a) a superintendent; or

860 (b) an individual who works less than three hours per day or is hired for less than half  
861 of a school year.

862 (7) (a) "Employee" means a career or provisional employee of a school district, except  
863 as provided in Subsection (7)(b).

864 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not

865 include:

866 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the  
867 Blind;

868 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf  
869 and the Blind; or

870 (iii) a temporary employee.

871 (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates  
872 the termination of an employee who started to work for a district most recently before  
873 terminating a more senior employee.

874 (9) "Probationary educator" means an educator employed by a school district who,  
875 under local school board policy, has been advised by the school district that the educator's  
876 performance is inadequate.

877 (10) "Provisional educator" means an educator employed by a school district who has  
878 not achieved status as a career educator within the school district.

879 (11) "Provisional employee" means an individual, other than a career employee or a  
880 temporary employee, who is employed by a school district.

881 (12) "School board" or "board" means a district school board or, for the Utah Schools  
882 for the Deaf and the Blind, the State Board of Education.

883 (13) "School district" or "district" means:

884 (a) a public school district; or

885 (b) the Utah Schools for the Deaf and the Blind.

886 (14) "Summative evaluation" means the annual evaluation that summarizes an  
887 educator's performance during a school year and that is used to make decisions related to the  
888 educator's employment.

889 (15) "Temporary employee" means an individual who is employed on a temporary  
890 basis as defined by policies adopted by the local board of education. If the class of employees  
891 in question is represented by an employee organization recognized by the local board, the board  
892 shall adopt the board's policies based upon an agreement with that organization. Temporary  
893 employees serve at will and have no expectation of continued employment.

894 (16) (a) "Unsatisfactory performance" means a deficiency in performing work tasks  
895 that may be:

896 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and  
897 (ii) remediated through training, study, mentoring, or practice.

898 (b) "Unsatisfactory performance" does not include the following conduct that is  
899 designated as a cause for termination under Section 53G-11-512 or a reason for license  
900 discipline by the State Board of Education or Utah Professional Practices Advisory  
901 Commission:

- 902 (i) a violation of work rules;
- 903 (ii) a violation of local school board policies, State Board of Education rules, or law;
- 904 (iii) a violation of standards of ethical, moral, or professional conduct; or
- 905 (iv) insubordination.

906 Section 16. Section 53G-11-503 is amended to read:

907 **53G-11-503. Career employee status for provisional employees -- Career status**  
908 **in the event of change of position -- Continuation of probationary status when position**  
909 **changes -- Temporary status for extra duty assignments -- Employees not eligible for**  
910 **career status.**

911 (1) (a) A provisional employee must work for a school district on at least a half-time  
912 basis for three consecutive years to obtain career employee status.

913 (b) A school district may extend the provisional status of an employee up to an  
914 additional two consecutive years in accordance with a written policy adopted by the district's  
915 school board that specifies the circumstances under which an employee's provisional status  
916 may be extended.

917 (2) Policies of an employing school district shall determine the status of a career  
918 employee in the event of the following:

919 (a) the employee accepts a position which is substantially different from the position in  
920 which career status was achieved; or

921 (b) the employee accepts employment in another school district.

922 (3) If an employee who is under an order of probation or remediation in one  
923 assignment in a school district is transferred or given a new assignment in the district, the order  
924 shall stand until its provisions are satisfied.

925 (4) An employee who is given extra duty assignments in addition to a primary  
926 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary

927 employee in those extra duty assignments and may not acquire career status beyond the primary  
928 assignment.

929 ~~[(5) A person is an at-will employee and is not eligible for career employee status if the~~  
930 ~~person:]~~

931 ~~[(a) is a teacher who holds a competency-based license pursuant to Section [53E-6-306](#)~~  
932 ~~and does not hold a level 1, 2, or 3 license as defined in Section [53E-6-102](#); or]~~

933 ~~[(b) holds an administrative/supervisory letter of authorization pursuant to Section~~  
934 ~~[53E-6-304](#).]~~

935 Section 17. Section **63G-7-102** is amended to read:

936 **63G-7-102. Definitions.**

937 As used in this chapter:

938 (1) "Arises out of or in connection with, or results from," when used to describe the  
939 relationship between conduct or a condition and an injury, means that:

940 (a) there is some causal relationship between the conduct or condition and the injury;

941 (b) the causal relationship is more than any causal connection but less than proximate  
942 cause; and

943 (c) the causal relationship is sufficient to conclude that the injury originates with, flows  
944 from, or is incident to the conduct or condition.

945 (2) "Claim" means any asserted demand for or cause of action for money or damages,  
946 whether arising under the common law, under state constitutional provisions, or under state  
947 statutes, against a governmental entity or against an employee in the employee's personal  
948 capacity.

949 (3) (a) "Employee" includes:

950 (i) a governmental entity's officers, employees, servants, trustees, or commissioners;

951 (ii) members of a governing body;

952 (iii) members of a government entity board;

953 (iv) members of a government entity commission;

954 (v) members of an advisory body, officers, and employees of a Children's Justice

955 Center created in accordance with Section [67-5b-102](#);

956 (vi) student teachers holding a ~~[letter of authorization in accordance with Sections~~

957 ~~[53E-6-102](#) and [53E-6-201](#)]~~ license issued by the State Board of Education;

- 958 (vii) educational aides;
- 959 (viii) students engaged in providing services to members of the public in the course of
- 960 an approved medical, nursing, or other professional health care clinical training program;
- 961 (ix) volunteers as defined by Subsection 67-20-2(3); and
- 962 (x) tutors.
- 963 (b) "Employee" includes all of the positions identified in Subsection (3)(a), whether or
- 964 not the individual holding that position receives compensation.
- 965 (c) "Employee" does not include an independent contractor.
- 966 (4) "Governmental entity" means the state and its political subdivisions as both are
- 967 defined in this section.
- 968 (5) (a) "Governmental function" means each activity, undertaking, or operation of a
- 969 governmental entity.
- 970 (b) "Governmental function" includes each activity, undertaking, or operation
- 971 performed by a department, agency, employee, agent, or officer of a governmental entity.
- 972 (c) "Governmental function" includes a governmental entity's failure to act.
- 973 (6) "Injury" means death, injury to a person, damage to or loss of property, or any other
- 974 injury that a person may suffer to the person or estate, that would be actionable if inflicted by a
- 975 private person or the private person's agent.
- 976 (7) "Personal injury" means an injury of any kind other than property damage.
- 977 (8) "Political subdivision" means any county, city, town, school district, community
- 978 reinvestment agency, special improvement or taxing district, local district, special service
- 979 district, an entity created by an interlocal agreement adopted under Title 11, Chapter 13,
- 980 Interlocal Cooperation Act, or other governmental subdivision or public corporation.
- 981 (9) "Property damage" means injury to, or loss of, any right, title, estate, or interest in
- 982 real or personal property.
- 983 (10) "State" means the state of Utah, and includes each office, department, division,
- 984 agency, authority, commission, board, institution, hospital, college, university, Children's
- 985 Justice Center, or other instrumentality of the state.
- 986 (11) "Willful misconduct" means the intentional doing of a wrongful act, or the
- 987 wrongful failure to act, without just cause or excuse, where the actor is aware that the actor's
- 988 conduct will probably result in injury.



- 989 Section 18. **Repealer.**
- 990 This bill repeals:
- 991 Section **53A-6-105 (Repealed 07/01/18), Licensing fees -- Credit to subfund --**
- 992 **Payment of expenses.**
- 993 Section **53E-6-202 (Superseded 07/01/18), Reinstatement of a license.**
- 994 Section **53E-6-202 (Effective 07/01/18), Reinstatement of a license.**
- 995 Section **53E-6-203, Teacher classifications.**
- 996 Section **53E-6-304, Administrative/supervisory letters of authorization.**
- 997 Section **53E-6-305, Alternative preparation program -- Work experience**
- 998 **requirement.**
- 999 Section **53E-6-306, Licensing by competency.**
- 1000 Section **53E-6-903, JROTC instructors.**
- 1001 Section **53E-6-1001, Enactment of compact.**
- 1002 Section **53E-6-1002, Purpose and intent of compact -- Findings.**
- 1003 Section **53E-6-1003, Definitions.**
- 1004 Section **53E-6-1004, Contracts for acceptance of educational personnel.**
- 1005 Section **53E-6-1005, Effect of compact on other state laws and regulations.**
- 1006 Section **53E-6-1006, Agreement by party states.**
- 1007 Section **53E-6-1007, Evaluation of compact.**
- 1008 Section **53E-6-1008, Scope of compact.**
- 1009 Section **53E-6-1009, Effective date -- Withdrawal from compact -- Continuing**
- 1010 **obligations.**
- 1011 Section **53E-6-1010, Construction of compact.**
- 1012 Section **53E-6-1011, Superintendent of public instruction as designated state**
- 1013 **official.**
- 1014 Section **53E-7-305, Licensing of teachers.**